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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,925	09/12/2003	Jeffrey C. Madsen	200300787-1	8380

22879 7590 05/27/2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,925

Applicant(s)

MADSEN ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03, 2/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandbach et al. (6585162). With respect to claims 1-8, Sandbach et al. teaches a personal digital assistant (201) comprising a body having a display (308); and a keyboard (201) attached to the body, the keyboard being divided into two separate sections (301, 305) and being foldable between a closed position and an open position, wherein the keyboard (201) provides a cover for the body in the closed position and functions as an alphanumeric keyboard (201) to input data in the open position, wherein each section (301, 305) of the keyboard (201) has a size and shape similar to the body, wherein the sections (301, 305) are stacked on top of the body in the closed position, wherein the sections (301, 305) are pivotally connected to the body and rotationally move between the closed and open positions, wherein at least one of the sections (301, 305) covers the display (308) in the closed position, wherein the keyboard (201) covers a portion of the body in the closed position and unfolds to function as the alphanumeric keypad in the open position, wherein a first section (305) is over a surface of the body

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and a second section (301) is on top of the first section (305), wherein the keyboard (201) does not add to the overall length or width of the body in the closed position, as claimed (see for example figures 1-32). With respect to method claims 9-14, Sandbach et al. teaches the method steps of covering at least a portion of a body of a personal digital assistant (PDA) with an attached keyboard while the keyboard is in a closed position; moving the keyboard from the closed position to an open position; and typing on the keyboard to input data into the PDA, wherein moving the keyboard further comprises unfolding two separate sections of the keyboard, wherein moving the keyboard further comprises rotating the keyboard from a first position covering at least a portion of the body to a second position with two keyboard halves positioned side-by-side and below the body, further comprising stacking two sections of the keyboard in the closed position, further comprising un-stacking the two sections in the open position, wherein moving the keyboard from the closed position to an open position further comprises rotating a first section of the keyboard in a clockwise direction and rotating a second section of the keyboard in a counterclockwise direction. With respect to claims 15 and 18-20, Sandbach et al. teaches a portable computing device (201), comprising; a body having a display (308) coupled to a processor and memory; and an alphanumeric keyboard (202) electrically and mechanically coupled to the body, wherein the keyboard (202) provides a housing for at least a portion of the body in a closed position and is movable to an open position for typing data, further comprising a flexible member coupling the keyboard to the body, wherein the keyboard has touch-sensitive key areas for entering data, wherein the keyboards folds to a size

approximately equal to a size of the body while in the closed position and while attached to the body as claimed (see for example figures 1-32).

3. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Lunsford (6570336). With respect to claim 15, Lunsford teaches a portable computing device (100), comprising; a body (110) having a display (120) coupled to a processor and memory; and an alphanumeric keyboard (236, 240, 340) electrically and mechanically coupled to the body (110), wherein the keyboard (202) provides a housing for at least a portion of the body (110) in a closed position and is movable to an open position for typing data as claimed (see for example figures 1-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sandbach et al. (6585162) as applied to claim 15 above, and further in view of Lieu et al. (6628508). With respect to claim 16, Sandbach et al. teaches the invention as set forth in claim 15 (see the above rejection). However, Sandbach et al. lacks a teaching of the keyboard comprises two separate and distinct halves as claimed. The apparatus of Lieu et al. is relied upon of its teaching of the keyboard comprises two separate and distinct halves as claimed (see for example figures 5-6D). It would have been obvious

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to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lieu et al. into the apparatus of Sandbach et al. to provide the with a more ergonomic user friendly keyboard.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford (6507336). With respect to claim 17, Lunsford teaches the invention set forth in claim 15 (see the above rejection). However, Lunsford lacks a teaching of the keyboard comprising two sections with a first section pivotally connected to a first corner of the body and a second section pivotally connected to a second corner of the body as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the keyboard of Lunsford to comprises two sections with a first section pivotally connected to a first corner of the body and a second section pivotally connected to a second corner of the body, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Katz (6088220, 6594142), Sternglass et al. (5982613), Hazzard et al. (6785126), Pekka (20050017953), Bullister (6256017, 6151012), Allison et al. (5943041), Chiu et al. (5457453), Riddiford (6587675), Genduso (6774888), Conway et al. (5278779), Ambasz (5295089), Mochizuki et al. (20040052044) and Kawasaki (JP 06-337733).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

2005-05-25